

# Exhibit C

Raymond J. Skelly

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

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4 IN RE: SCHERING-PLOUGH :  
CORPORATION/ENHANCE : CIVIL ACTION NO.  
5 SECURITIES LITIGATION : 08-397 (DMC) (JAD)

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6 IN RE: MERCK & CO., INC. :  
7 VYTORIN/ZETIA SECURITIES : CIVIL ACTION NO.  
LITIGATION : 08-2177 (DMC) (JAD)

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9 IN RE: SCHERING-PLOUGH :  
CORPORATION ENHANCE : CIVIL ACTION NO.  
10 ERISA LITIGATION : 08-1432 (DMC) (JAD)

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12 - - -  
13 JUNE 20, 2011  
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16 Videotape deposition of  
17 RAYMOND J. SKELLY, taken pursuant to notice,  
& Bockius LLP, 1701 Market Street, 18th Floor,  
18 Philadelphia, Pennsylvania 19103, beginning  
at 10:00 a.m., on the above date, before  
19 Amanda Dee Maslynsky-Miller, a Certified  
Realtime Reporter and Notary Public in and  
20 for the State of Pennsylvania.

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22 - - -

23 GOLKOW TECHNOLOGIES, INC.  
877.370.3377 ph | 917.591.5672 fax  
24 deps@golkow.com

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<p>1 APPEARANCES (continued)</p> <p>2</p> <p>3</p> <p>4 VIA TELEPHONE:</p> <p>5 KRISTIN A. MUIR, ESQUIRE</p> <p>6 LOWENSTEIN SANDLER, P.C.</p> <p>7 65 Livingston Avenue</p> <p>8 Roseland, New Jersey 07068</p> <p>9 (973) 597-2500</p> <p>10 Kmuir@lowenstein.com</p> <p>11 Representing the Defendant,</p> <p>12 Merck/Schering-Plough</p> <p>13</p> <p>14 VIA TELEPHONE:</p> <p>15 VINCENT R. LODATO, ESQUIRE</p> <p>16 SILLS, CUMMIS &amp; GROSS, P.C.</p> <p>17 The Legal Center</p> <p>18 One Riverfront Plaza</p> <p>19 Newark, New Jersey 07102</p> <p>20 (973) 643-7000</p> <p>21 vlodato@sillscummis.com</p> <p>22 Representing the Defendant</p> <p>23 Underwriters</p> <p>24</p> <p>25 VIA TELEPHONE:</p> <p>26 LAWRENCE S. BADER, ESQUIRE</p> <p>27 MORVILLO, ABRAMOWITZ, GRAND,</p> <p>28 IASON, ANELLO &amp; BOHRER, P.C.</p> <p>29 565 Fifth Avenue</p> <p>30 New York, New York 10017</p> <p>31 (212) 880-9440</p> <p>32 Lbader@maglaw.com</p> <p>33 Representing Defendants in the</p> <p>34 Schering-Plough Derivative Action</p> <p>35</p> <p>36 ALSO PRESENT: Scot Dantzer, Videographer</p>	<p>1 - - -</p> <p>2 DEPOSITION SUPPORT INDEX</p> <p>3 - - -</p> <p>4</p> <p>5 Direction to Witness Not to Answer</p> <p>6 Page Line Page Line Page Line</p> <p>7 None</p> <p>8</p> <p>9</p> <p>10 Request for Production of Documents</p> <p>11 Page Line Page Line Page Line</p> <p>12 None</p> <p>13</p> <p>14</p> <p>15 Stipulations</p> <p>16 Page Line Page Line Page Line</p> <p>17 7 3</p> <p>18</p> <p>19</p> <p>20 Question Marked</p> <p>21 Page Line Page Line Page Line</p> <p>22 None</p> <p>23</p> <p>24</p>

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<p style="text-align: right;">Page 26</p> <p>1 this litigation?</p> <p>2 A. I'm not sure of the</p> <p>3 terminology. As a witness, yeah, okay.</p> <p>4 I don't fully understand the term</p> <p>5 confidential witness. But, yeah, I</p> <p>6 understand I've been identified as a</p> <p>7 witness, that's why I'm here.</p> <p>8 Q. Do you understand you've</p> <p>9 been identified as a witness by the</p> <p>10 plaintiffs in the case?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. And do you know why the</p> <p>13 plaintiffs have identified you as a</p> <p>14 witness?</p> <p>15 A. I'm not entirely certain.</p> <p>16 Q. Do you have any clue?</p> <p>17 A. They probably want me to</p> <p>18 support their -- their case.</p> <p>19 Q. And do you know -- have any</p> <p>20 reason to know why they would want you to</p> <p>21 support their case?</p> <p>22 A. Perhaps to -- to make some</p> <p>23 statements indicting the corporation I</p> <p>24 work for in some way.</p>	<p style="text-align: right;">Page 28</p> <p>1 the case really stands on.</p> <p>2 Q. Okay. Did you have any</p> <p>3 conversations with the plaintiffs' side</p> <p>4 of the case about the allegations that</p> <p>5 are made?</p> <p>6 A. I had a telephone</p> <p>7 conversation with someone who told me</p> <p>8 that they were doing an -- an</p> <p>9 investigation, a long time ago. I mean,</p> <p>10 I can't even remember how long ago it</p> <p>11 was. And, you know, I guess I wasn't</p> <p>12 really, you know, aware of what their --</p> <p>13 their aim was. I kind of viewed them as,</p> <p>14 you know, an information gathering,</p> <p>15 perhaps a marketer, perhaps someone who</p> <p>16 could, you know, be -- you know, part of</p> <p>17 my network of contacts. I believe at the</p> <p>18 time I was -- I was looking for</p> <p>19 employment. I don't know if I was still</p> <p>20 with Camstar or not.</p> <p>21 But, yeah, I remember a</p> <p>22 conversation with someone, probably</p> <p>23 from -- from the plaintiffs' law firm,</p> <p>24 the law firm representing the plaintiffs.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Do you understand who the</p> <p>2 plaintiffs are in the litigation?</p> <p>3 A. Generally. You know, I</p> <p>4 mean, you know, I'm not really familiar</p> <p>5 with the law firm or, you know -- but I</p> <p>6 understand it's a class action suit and</p> <p>7 this law firm is acting on behalf of the</p> <p>8 class and -- and suing Merck. You know,</p> <p>9 that's my understanding of it.</p> <p>10 Q. Okay.</p> <p>11 A. About what, I'm not so sure,</p> <p>12 but, you know --</p> <p>13 Q. That was going to be my next</p> <p>14 question.</p> <p>15 Do you know anything about</p> <p>16 the content of the litigation?</p> <p>17 A. I mean, I did, you know, do</p> <p>18 some searching and read a little bit</p> <p>19 about the ENHANCE study, you know, to</p> <p>20 kind of try to figure out what's going</p> <p>21 on. You know, I have my -- you know, I</p> <p>22 have, like, some inkling as to what's</p> <p>23 going on but I'm not -- it's nothing</p> <p>24 definitive. You know, I don't know what</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. How many conversations with</p> <p>2 the plaintiffs' firm did you have?</p> <p>3 A. Well, I remember that</p> <p>4 initial conversation. And then a year</p> <p>5 later, or a long time later, I remember</p> <p>6 getting a call from the law firm, it may</p> <p>7 even be the individual sitting here at</p> <p>8 the table, Jeff, after I had received the</p> <p>9 letter from the law firm -- okay, no, I</p> <p>10 had to get another call.</p> <p>11 So I got another -- hang on.</p> <p>12 So there's an initial call from the</p> <p>13 investigator. Then there was another</p> <p>14 contact from the investigator, as I</p> <p>15 received a letter that that person asked</p> <p>16 me to sign, okay. I looked at the</p> <p>17 information in the letter and I did not</p> <p>18 consider that information to be factual,</p> <p>19 and I indicated I would not sign it.</p> <p>20 I got another call from a</p> <p>21 representative of a law firm, that --</p> <p>22 which may be this person Jeff here today,</p> <p>23 and that person suggested that if I</p> <p>24 didn't sign it, I would be subpoenaed and</p>

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<p style="text-align: right;">Page 30</p> <p>1 I said, so be it. I'm not going to sign 2 false information, you know. And here I 3 am today. 4 Q. Okay. So we've talked about 5 three phone calls, correct? 6 MR. ALMEIDA: Objection. 7 THE WITNESS: So far as I 8 can recall, yes. 9 BY MR. JUCEAM: 10 Q. There was the initial call 11 with the investigator, right? 12 A. Right. 13 Q. There was a call one year 14 later from a law firm in connection with 15 a letter that you received? 16 A. Yes. 17 Q. And then there was a third 18 call in which you were told that if you 19 didn't sign you would be subpoenaed? 20 MR. ALMEIDA: Objection. 21 THE WITNESS: Okay. 22 BY MR. JUCEAM: 23 Q. Is that correct or not? 24 A. You know, that's what I --</p>	<p style="text-align: right;">Page 32</p> <p>1 year that was? 2 A. I would think 2008. I would 3 guess 2008. 4 Q. And did you ever get the 5 name of the lawyer investigator or 6 investigator who called you? 7 A. Yeah, I think it's in the 8 documents, you know, that I have. But 9 I'd have to look it up in the documents. 10 Q. We'll -- we'll look at all 11 the documents. 12 At this point I just want to 13 see if I can -- see what you remember -- 14 A. Right. 15 Q. -- independently. 16 The person that called you, 17 was it a man or a woman? 18 A. It was a man. 19 Q. And how long was the first 20 phone call? I assume -- was it on the 21 phone? 22 A. Yeah. Yeah. 23 Q. Okay. 24 A. The first phone call was, I</p>
<p style="text-align: right;">Page 31</p> <p>1 that's my understanding of it. I mean, I 2 looked at the letter that I received, I 3 submitted the letter -- 4 Q. Right. 5 A. -- as, you know, as a 6 document to you folks. 7 And, you know, I just looked 8 at the information in that letter and I 9 just -- I'm sorry, I couldn't agree with 10 it. I couldn't sign -- I couldn't sign 11 it. 12 And that's what I told 13 whomever, and then they indicated that I 14 would be subpoenaed and, you know, 15 unfortunately, we're going through this 16 now. But that was my understanding of 17 it, correct, yeah. 18 Q. So let's now dial back on 19 each of those -- on each of those 20 communications and dig a little deeper. 21 A. Okay. 22 Q. Let's go back to the first 23 contact. 24 Do you have any idea what</p>	<p style="text-align: right;">Page 33</p> <p>1 don't know, it was -- it was a while, I 2 guess we talked for 10, 15 minutes. You 3 know, I didn't understand, you know, who 4 I was talking to, perhaps, very well. 5 But I was just, you know, trying to be 6 social. 7 Q. How did this individual 8 identify himself to you? 9 A. As an investigator. 10 Q. And what did he say he was 11 investigating? 12 A. You know, he may have been 13 very accurate in indicating that he was 14 representing a law firm who was 15 representing the plaintiffs, but, you 16 know, I -- I just recognized him as an 17 investigator. I kind of, you know, 18 believed it to be some sort of survey for 19 information. 20 I mean, marketing, you deal 21 a lot with -- well, information 22 gatherers, that was my business. And we 23 share information all the time, and the 24 way you do it, to a large degree, is</p>

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<p style="text-align: right;">Page 34</p> <p>1 through telephone conversations.  2 Q. Did they say anything to the  3 effect that they were conducting a market  4 survey?  5 A. No.  6 MR. ALMEIDA: Objection.  7 THE WITNESS: I don't  8 remember. Sorry.  9 BY MR. JUCEAM:  10 Q. Did they tell you how they  11 got your name?  12 MR. ALMEIDA: Objection.  13 THE WITNESS: I -- I don't  14 know.  15 BY MR. JUCEAM:  16 Q. Did they tell you that they  17 might use the statements you were making  18 in a public court filing?  19 A. At -- at some point, you  20 know, I think it got down to that. And I  21 said, no, I don't give permission for  22 that, you know. So it's, like, you know,  23 I didn't want -- I didn't want what we  24 were talking about to, you know, to</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. ALMEIDA: Objection.  2 THE WITNESS: What does that  3 mean?  4 MR. JUCEAM: He's objecting,  5 it's for --  6 MR. ALMEIDA: You can answer  7 the question.  8 MR. JUCEAM: You can answer  9 the question.  10 THE WITNESS: So what did we  11 talk about?  12 BY MR. JUCEAM:  13 Q. Yes.  14 A. You know, the ENHANCE study.  15 You know, he started, like, asking me  16 about the ENHANCE study. You know, did  17 you ever hear of the ENHANCE study? I  18 wasn't sure. I mean, it was a catchy  19 name and, you know, I may have. But if I  20 did, it would be through public  21 information. I get the annual report,  22 for example, it may have been reported in  23 the annual report for Merck &amp; Co, Inc.  24 And we started talking about</p>
<p style="text-align: right;">Page 35</p> <p>1 appear in any, you know, formal  2 statements of any sort.  3 You know, we were just -- I  4 was trying to be social and just make  5 conversation with the person.  6 Q. So you told the investigator  7 that you did not want your statements to  8 appear in a public court filing?  9 A. Correct.  10 Q. What did they say in  11 response to that?  12 A. I don't recall exactly, but  13 it sounded like, you know, -- I don't  14 recall exactly.  15 Q. If they had told you from  16 the outset that they were going to use  17 your words in a public court filing,  18 would you have spoken to the person at  19 all?  20 A. Probably not.  21 Q. What did -- what else can  22 you recall about what was said to you in  23 the first conversation with the  24 investigator?</p>	<p style="text-align: right;">Page 37</p> <p>1 it. And I think he said something  2 about -- he seemed to know who the  3 study's sponsor was, so I was, like,  4 interested, okay, who was the study  5 sponsor. And, you know, he shared some  6 information about that.  7 And then he made some  8 statement about, you know, the study did  9 not have a review board or something, how  10 do you feel -- would you feel about that,  11 to learn there was no review board for  12 the study? Oh, I would be shocked, you  13 know, to learn Merck did a study without  14 a review board. You know, and I would.  15 But I just don't -- I don't believe that.  16 Q. You said that you had only  17 heard about ENHANCE through public  18 information; is that correct?  19 A. That I recall, yes.  20 Q. Whatever you knew about  21 ENHANCE was by public information, not by  22 virtue of having worked at Merck?  23 A. Absolutely. It would have  24 had to have been.</p>

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